

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TRACI L. MILLER,

Plaintiff,

v.

NANCY BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

8:18CV120

ORDER

This matter is before the Court on a Motion for Remand (Filing No. 19) filed by defendant Nancy Berryhill, Acting Commissioner of Social Security (“Commissioner”). The Commissioner asks the Court to (1) reverse the final decision of the administrative law judge (“ALJ”) denying plaintiff Traci L. Miller’s (“Miller”) claim for disability benefits under Title II of the Social Security Act, 42 U.S.C. § 401 *et seq.*, for the period of December 10, 2015, through May 15, 2017, and (2) “remand this action to the Commissioner pursuant to Sentence Four of Section 205(g), 42 U.S.C. § 405(g)”¹ for further administrative action. *See Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991).

The Commissioner states that on remand “[t]he Appeals Council will affirm the closed period of disability beginning September 19, 2014, and ending December 9, 2015, but will remand the unfavorable portion of the decision to the ALJ to re-determine whether [Miller] experienced medical improvement and to weigh the medical source statement completed by Kim Groenjes.” According to the Commissioner, the ALJ will “re-evaluate all the medical source statements in the record and re-evaluate [Miller’s] residual

¹Sentence Four of Section 205(g) empowers the Court “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” *Id.*

functional capacity for the period beginning December 10, 2015,” and may acquire medical-expert testimony and supplemental vocational-expert testimony.

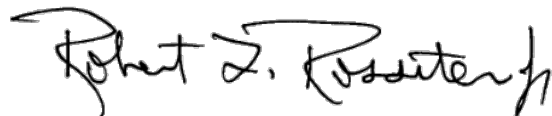
Miller, who has a pending Motion for an Order Reversing the Commissioner’s Decision (Filing. No. 13), has not filed any opposition to the Commissioner’s motion. Having reviewed the pleadings and the transcript of the record, the Court finds the Commissioner’s motion should be granted. Accordingly,

IT IS ORDERED:

1. The Commissioner’s Motion to Remand (Filing No. 9) is granted.
2. The final decision of the administrative law judge is reversed, and this case is remanded to the Commissioner for further administrative proceedings.
3. Plaintiff Traci L. Miller’s Motion for an Order Reversing the Commissioner’s Decision (Filing. No. 13) is denied.
4. A separate judgment will issue.

Dated this 27th day of December 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
United States District Judge